

REMARKS

Regarding the status of the present application, Claims 1-17 are pending in this application. Reconsideration of this application is respectfully requested. It is respectfully submitted that the present response does not require further searching on the part of the Examiner. It is also respectfully submitted that this response places this application in condition for allowance, or in any event, places it in a better condition for consideration on appeal. A Petition and fee for a one month Extension of Time is enclosed.

Claims 1-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,114,265 issued to Grisley in view of U.S. Patent No. 4,809,755 issued to Pontikas. The teachings of the Grisley and Pontikas patents have been discussed in previous responses.

It is respectfully submitted that the combined teachings of the cited patents do not produce the present invention. In the presently claimed invention, and with reference to Figs. 1 and 2, the first flat member shown in Fig. 1 has a cavity that is about one half of the thickness of the first member, so that the flat member has a solid body except for the section where the cavity is removed. Looking at Fig. 2, it is clear that the tab has a thickness that is also about one half of the thickness of the second member. Thus, when the tab of the second member is inserted into the cavity of the first member, the peripheral edge of the tab is in substantial contact with the inner edge of the cavity. Also, the lower surface of the tab is in substantial contact with the bottom surface of the cavity. Furthermore, the lateral surface of the end of the second member below the tab is in substantial contact with the abutting side surface of the first member. The structures recited in independent Claims 1, 6 and 12 are configured to create this. This is not the case with the joints disclosed in the Grisley and Pontikas patents.

In the Grisley joint shown in Fig. 4, the lower (first) member has cavities that are a portion of the depth of the member. However, the tabs are the full depth of the upper (second) member. There is clearly no disclosure or suggestion in the Grisley patent to form a tab that is only a portion of the thickness of the second member. Therefore, it is respectfully submitted that the respectfully submitted that the does not disclose or suggest the presently claimed puzzle joint.

With regard to the Pontikas patent, it discloses a Dado joint used to make a picture frame. Substituting the joint disclosed in the Grisley patent into the Pontikas frame structure does not produce the presently claimed invention. Note that the Pontikas joint has tabs and cavities that are the full thickness of the respective parts.

Thus, neither of the cited patents disclose or suggest a joint wherein the members that are joined have a cavity formed in one member that is only a portion of the thickness of the member, and a tab formed in the other member that is only a portion of the thickness of the other member.

Therefore, with regard to Claim 1, it is respectfully submitted that the Grisley and Pontikas patents, taken singly or together, do not disclose or suggest a joint system comprising "a cavity formed in the first flat member ... that has a depth that extends a predetermined

distance below the first flat surface, and wherein the depth of the cavity is a predetermined portion of the thickness of the first flat member" and "a second flat member ... having a tab ... that ... fits within the cavity, which tab has a thickness that substantially matches the depth of the cavity formed in the first flat member." [Emphasis added] Thus, in the invention recited in claim 1, the tab and the cavity have a thickness and depth that are a portion of the overall thickness of the first and second flat members. This is not the case with the joints disclosed in the Grisley and Pontikas patents.

Therefore, it is respectfully submitted that Claim 1 is not obvious in view of, the Grisley and Pontikas patents, taken singly or together. Withdrawal of the Examiner's rejection and allowance of Claim 1 are respectfully requested.

Dependent Claims 2-5 are considered patentable based upon their dependence from allowable Claim 1. Accordingly, withdrawal of the Examiner's rejection and allowance of Claims 2-5 are respectfully requested.

Independent Claims 6 and 12 contain substantially similar language as is recited in claim 1 and are considered patentable in view of the Grisley and Pontikas patents, taken singly or together, for the same reasons argued with respect to Claim 1. Dependent Claims 7-11 and 13-17 are considered patentable based upon their dependence from allowable Claim 6. Withdrawal of the Examiner's rejection and allowance of Claims 6-17 are respectfully requested.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure to the extent indicated by the Examiner.

In view of the above, it is respectfully submitted that all pending claims are not obvious in view of the cited references, taken singly or together, and are therefore patentable. Therefore, it is respectfully submitted that the present application is in condition for allowance. Accordingly, reconsideration of this application and allowance thereof are earnestly solicited. It is again respectfully submitted that the present response does not require further searching by the Examiner, and places this application in condition for allowance, or in any event, places it in better condition for consideration on appeal.

Respectfully submitted,



Kenneth W. Float
Registration No. 29,233

The Law Offices of Kenneth W. Float
Office address: 2 Shire, Coto de Caza, CA 92679
Mailing address: P. O. Box 80790, Rancho Santa Margarita, CA 92688
Telephone: (949) 459-5519
Facsimile: (949) 459-5520
E-mail address: kwfloat@floatlaw.com